



Testimony of
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Before the
U.S. Senate Committee on Commerce, Science and Transportation
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security

May 24, 2017

Chairman Moran, Ranking Member Blumenthal, and Members of the Committee, it is an honor to appear before you, and a privilege to be here with my dear friend Nancy Baker, our wonderful partner Connie Harvey from the American Red Cross, and the rest of the distinguished panelists. And while I do not speak for the families who have suffered similar tragedies, my heart is with them as I appear before this Committee today.

Mr. Chairman, it has been ten years. Ten years since this Committee led the charge, along with Nancy Baker, Katey and Scott Taylor, and others, to try to eliminate incidences of pool and spa drain entrapment in the Virginia Graeme Baker (VGB) bill, and ten very difficult years since I lost my son Zachary who tragically became entrapped in a drain in our backyard pool; and, despite grown adults trying to pull him from the drain, the suction simply was too much. Zachary was six, he had his entire life ahead of him and we miss him dearly.

Like many parents, we thought we had done everything we could to protect our children around the water like enrolling them in swim lessons, setting the rules for behavior around the pool, and ensuring intense supervision. But we had no idea what danger lurked in our pool. We have spent the past decade making sure that parents have all of the information they need to keep their children safe, so that no family suffers the same tragic loss.

Since his passing, Zachary's legacy has touched the lives of thousands through a foundation started by my husband Brian and I to honor Zachary, and to offer programming to teach

children and families about water safety. It is called *The ZAC Foundation*. We have written a children's book called *The Polar Bear Who Wouldn't, Couldn't Swim*; and we have partnered with the American Red Cross, in support of their Centennial Campaign and with the Boys and Girls Clubs of America to stage what we call "ZAC Camp" designed to provide water safety instruction to underserved children in cities across America. And, to date, I am pleased to say that more than 10,000 children in 22 states have gone through ZAC Camps, and more than 80 million Americans have received our message through our media efforts.

To most Americans, drowning is something that happens to somebody else, somewhere else. Something you hear about on the news or read about in the paper. But what most do not know is that drowning is the second leading cause of accidental death of children under 14, and number one cause of accidental death for children one to four years old.

Mr. Chairman, we lose 10 Americans every single day to drowning. Of those 10, two are children. Black and Hispanic American children are three times more likely to drown than their Caucasian counterparts. Three times. We lose more than 3,800 Americans to drowning or boating-related deaths each year. When you do the math, you quickly realize that since VGB was signed into law, more than 38,000 Americans have drowned – or enough to nearly fill Nationals Park. I'll say it again, 38,000.

Mr. Chairman, I can assure you this is not a problem for someone else, somewhere else. This is a problem that is completely preventable when all water safety stakeholders are doing their part and working together. Just look at this panel before the Subcommittee today. Each person here is an important link in the chain of water safety. In order to realize water safety:

- It takes the pool and spa builders to demand that state-of-the-art technologies are installed in pools – both public AND private - to eliminate drain entrapment forever, and not actively lobby in states like Connecticut to roll back water safety.
- It takes state lawmakers to refuse to weaken water safety standards and aggressively educate residential pool owners about the dangers and responsibilities of owning a pool.
- It takes operators of municipal pools to be adamant that safety is the first priority.
- It takes organizations like the American Red Cross to continue their heroic efforts to train life guards and offer swim lessons and the Boys and Girls Clubs of America to reach in to under-served and minority communities. Communities who have children who as I mentioned drown at a rate three times higher than non-minority children.
- It takes the homeowners' insurers to undertake a new effort demanding that residential pools are up to code before insuring the home.

- It takes organizations like The ZAC Foundation and other family foundations, and courageous leaders like Nancy Baker; Katey and Scott Taylor; and Kathy and Blake Collingsworth, to name only a few, to raise awareness.
- It takes parents to seek out information proactively and teachers to incorporate water safety messaging in their curriculum to keep children safe.
- And, yes, it takes Congress, the Consumer Product Safety Commission (CPSC), and the U.S. Centers for Disease Control and Prevention (CDC) to continue to explore ways to improve federal law for public pools.

Mr. Chairman, the Virginia Graeme Baker law was a good start toward water safety, but my worry is that the public may be relying on the law to cover all pools when the reality is it only covers public pools – **or roughly three percent of the pools in this country.** Meanwhile **97 percent** – more than 10 million - of pools are privately owned and regulated by state laws that range from strong to very weak. I urge this Committee to bridge the jurisdictional divide and use your pulpit to find ways to convene a discussion among states and all of the other stakeholders, including those of us at this table.

Together we can eliminate all pool and spa drain entrapments in the United States and drive down the unacceptable number of unintentional drowning that is robbing families of their loved ones each and every day.

Thank you again Mr. Chairman for the opportunity to come here before the Committee today. I look forward to our discussion.

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